

SERVICE DATE – LATE RELEASE MAY 12, 2005

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 28676 (Sub-No. 5)

GRAND TRUNK WESTERN RAILROAD – CONTROL –
DETROIT, TOLEDO AND Ironton RAILROAD COMPANY AND
DETROIT AND TOLEDO SHORE LINE RAILROAD COMPANY

(Arbitration Review)

Decided: May 12, 2005

In an “opinion and award” entered on April 15, 2005, a “New York Dock” arbitration panel (the Panel) denied a claim that had been made by T.W. Black and T.K. Sorge (the Claimants). By appeal filed May 4, 2005, Claimants ask that the Panel’s award be vacated.

(1) The appeal should have been docketed as STB Finance Docket No. 28676 (Sub-No. 5), Grand Trunk Western Railroad – Control – Detroit, Toledo and Ironton Railroad Company and Detroit and Toledo Shore Line Railroad Company (Arbitration Review). Instead, it was docketed as STB Finance Docket No. 33556 (Sub-No. 5), Canadian National Railway Company, Grand Trunk Corporation, and Grand Trunk Western Railroad Incorporated – Control – Illinois Central Corporation, Illinois Central Railroad Company, Chicago, Central and Pacific Railroad Company, and Cedar River Railroad Company (Arbitration Review). The Board’s records have now been adjusted so that the pleadings previously filed in this proceeding will be treated as if they had been docketed under STB Finance Docket No. 28676 (Sub-No. 5). And this decision is being issued, and any subsequent decisions in this proceeding will be issued, under STB Finance Docket No. 28676 (Sub-No. 5).

(2) The appeal includes, among other things, a page marked as “Attachment C.” This page bears the heading “Carmen Extra Board,” and it appears to refer to an “extra board” with an effective date of October 17, 1995. This page includes a list of names, a list of social security numbers, and a list of telephone numbers. As Grand Trunk Western Railroad has noted in its letter filed May 9, 2005, the social security numbers have no relevance to any issue involved in the appeal. And, for obvious reasons, such numbers should not be available to the public. Therefore, the page marked as “Attachment C” has been removed from the public docket, and it will be kept under seal and not be placed in the public docket or otherwise disclosed to the public unless otherwise ordered by the Board. Claimants may file a redacted version of Attachment C.

(3) Claimants have requested a waiver of the 10-page page limitation of 49 CFR 1109.2. That limitation, however, is not applicable to this proceeding. The limitation applicable to this proceeding is the 30-page page limitation of 49 CFR 1115.2(d), which is made applicable by 49 CFR 1115.8 to appeals of “New York Dock” arbitration awards. Because the 49 CFR 1109.2 limitation is not applicable to this proceeding, the request for waiver of that limitation will be

denied. However, because the 49 CFR 1115.2(d) limitation is applicable to this proceeding and because the appeal filed by Claimants takes up more than 30 pages, the request for waiver of the 49 CFR 1109.2 limitation will be treated as a request for waiver of the 49 CFR 1115.2(d) limitation. And, given the complexity of the issues raised in this proceeding, a waiver of the 49 CFR 1115.2(d) limitation will be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The appeal filed by Claimants, and any other pleadings previously filed in this proceeding, will henceforth be treated as if they had been docketed under STB Finance Docket No. 28676 (Sub-No. 5).

2. The page in the appeal that is marked “Attachment C” will be kept under seal by the Board and will not be placed in the public docket or otherwise disclosed to the public unless otherwise ordered by the Board.

3. The request for waiver of the 49 CFR 1109.2 limitation is denied.

4. The 49 CFR 1115.2(d) limitation applicable to the appeal filed by Claimants is waived.

5. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary